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The Trans-Pacific Partnership, the environment and climate change

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The Trans-Pacific Partnership (TPP) is a sweeping, plurilateral free-trade agreement spanning the Pacific Rim.



The ongoing, secretive treaty negotiations involve Australia and New Zealand; countries from South East Asia such as Brunei Darussalam, [Malaysia](#), Singapore and Vietnam; the South American nations of Peru and Chile; and the members of the 1994 North American Free Trade Agreement, Canada, Mexico and the United States. There has also been [some discussion](#) as to whether Japan should be included in the negotiations.

There has been much debate about the impact of this proposed treaty upon the environment, biodiversity and climate change. US Trade Representative Ron Kirk, has argued that the TPP will be a boon for the environment, but countries remain divided on the issue.

Mark Linscott, an assistant US Trade Representative, [declared](#) that 'an environment chapter in the TPP should strengthen country commitments to enforce their environmental laws and regulations, including in areas related to ocean and fisheries governance, through the

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effective enforcement obligation subject to dispute settlement’.

Meanwhile, *Inside US Trade* has commented: ‘While not initially expected to be among the most difficult areas, the environment chapter has emerged as a formidable challenge, partly due to disagreement over the US proposal to make environmental obligations binding under the TPP dispute settlement mechanism’.

Australia has **apparently** voiced reservations about the US conservation proposal on grounds that it is overly prescriptive and fails to take into account individual variation in national laws. Australia is perhaps also concerned about preserving the **precautionary principle** under the TPP.

New Zealand has tabled **a proposal on climate change** in the TPP. A New Zealand trade official observed that ‘Climate change is one of the pre-eminent environmental challenges of the 21st century and, as a 21st century agreement, the TPP is well placed to be able to bring economic and environmental issues together in a way that seeks to make trade policy and environmental policy mutually supportive’. The proposal reportedly has two elements. First, New Zealand wants to include language stating that countries should try to phase out subsidies for fossil fuels. Second, the country has supported a non-binding affirmation of the benefit of pricing carbon in the text of the agreement. New Zealand hopes that such text would be an important step toward a regional carbon emissions trading system.

The New Zealand proposal has not found much favour with environmental groups. There has been criticism that the text is a ‘shadow solution’ — **to use the philosophical discourse of Stephen Gardiner** — because it only addresses the problem of climate change in a limited way. The concern is that including climate change provisions in the TPP may undermine or erode the 1992 United Nations Framework Convention on Climate Change, the 1997 Kyoto Protocol, and other ongoing multilateral negotiations over climate change.

Peru has also proposed text on climate change in the TPP, reflecting its policy to reduce carbon emissions. It is not clear where Australia stands in the debate over the TPP and climate change — especially in light of its package of reforms designed to promote a **Clean Energy Future**.

For their part, green political parties and civil society organisations have been concerned about the substantive implications of the treaty for the environment. The Green Party of Aotearoa New Zealand, the Australian Greens and the Green Party of Canada have released a **joint declaration** on the TPP, observing that ‘more than just another trade agreement, the TPP provisions could hinder access to safe, affordable medicines, weaken local content rules for media, stifle high-tech innovation, and even restrict the ability of future governments to legislate for the good of public health and the environment’. In the United States, civil society



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groups such as the [Sierra Club](#), [Public Citizen](#), the [Friends of the Earth](#) and the [Rainforest Action Network](#) have raised concerns about the TPP and the environment.

The TPP is an ambitious free trade agreement, with a far-reaching scope in respect of the environment, biodiversity and climate change. There has been much disquiet about the secretive nature of the negotiations thus far. The Green Party of Aotearoa New Zealand, the Australian Greens and the Green Party of Canada observe that 'while representatives of AT&T, Verizon, Cisco, major pharmaceutical companies and the Motion Picture Association of America have access to the text, democratically elected members of parliament, advocacy organisations for healthcare and the environment and ordinary citizens are being left out in the cold'. Allison Chin, President of the Sierra Club, called the negotiation process '[a stealth affront to the principles of our democracy](#)'.

The texts of the TPP should be made public so that there can be a full and frank discussion of the impact of the proposed treaty upon conservation, biodiversity and climate change. The impact of the TPP upon the environment of the Pacific Rim must be evaluated in a transparent manner, following due process and inviting public participation.

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